

Appl. No. 10/019,662
Amdt. dated August 4, 2003
Reply to Office action of April 4, 2003

Amendments to the Drawings:

Replace the seven (7) sheets and sixteen (16) figures of informal drawings with the accompanying eight (8) sheets and sixteen (16) figures of formal drawings.

Attachment: Corrected drawings.

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REMARKS

Claims 1 through 53 are pending in this application. Claims 1, 7, 11, 15, 25, 29, 39, 42, 44, 48, 50, and 52 are amended herein. Support for the amendments to the claims may be found in the claims as originally filed. Reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Amendment:

The Applicant acknowledges with appreciation the entry of the preliminary amendment.

Priority:

The Applicant acknowledges with appreciation the acknowledgment of the claim for priority. A copy of Mexican patent application 996261 should have been forwarded to the U.S. Patent and Trademark Office with the International Search Report, since this application is a 35 U.S.C. § 371 national stage of PCT/MX00/00025. Since it apparently was not, however, the Applicant encloses the attached certified copy of Mexican patent application 996261 as a courtesy.

Objections to the Drawings:

The drawings have been objected to for having lines, numbers, and letters that are not thick and well defined. A corrected set of drawings accompanies this response. Withdrawal of the objections to the drawings is earnestly solicited.

Objections to the Abstract of the Disclosure:

The Abstract of the Disclosure has been objected to for containing legal expressions. The Abstract has consequently been re-written on a separate sheet in one paragraph devoid of legal expressions. No new matter has been added. Withdrawal of the objections is earnestly solicited.

Objections to the Specification:

The Specification was objected to for various informalities. The Specification has been amended substantially in accordance with the Examiner's suggestions. The Applicant thanks the Examiner for his suggestions. Withdrawal of the objections is earnestly solicited.

Claim Rejections - 35 U.S.C. § 112:

Claims 1 through 53 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 1 through 53 have been amended substantially in accordance with the

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Examiner's suggestions. The Applicant thanks the Examiner for his suggestions. Withdrawal of the rejection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 11 through 14 have been rejected under 35 U.S.C. § 103 as being unpatentable over Gilbert et al., EP 0 385 310. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 11 recites, in pertinent part:

"elimination of pollutants from *gaseous* effluents."

Gilbert neither teaches, discloses, nor suggests elimination of pollutants from gaseous effluents, as recited in claim 11. Gilbert, rather, is related to an electrostatic waste separation process for abrasive blasting residues containing an abrasive media and a hazardous material such as lead-based paint, which is a solid material. There would have actually been no reason for persons of ordinary skill in the art to even suspect that electrostatic separation in the manner of Gilbert would even work with gaseous elements. What, for example, happens to the gases that are attracted to the electromagnet?

Claim 11 recites further:

"means for carrying out at least one electronic bombardment operation"

Gilbert shows no electronic bombardment operation, as noted graciously by the Office action. In fact, persons of ordinary skill in the art who read Gilbert at the time the invention was made would have had no reason to apply electronic bombardment to a gaseous effluent. All Gilbert wants to do is separate his materials, not alter them. Electronic bombardment would have served no useful purpose.

The voltage magnitudes indicated in Gilbert, column 4 lines 35-42 are related to an electrostatic field strength between the drum and the electromagnet during the separation step of the paint particles and blast particles, as described at column 8, lines 34 through 39. Since Gilbert is interested only in electrostatic separation of paint particles, he has no reason to apply electronic bombardment. There is really no purpose to having electrons leave the drum and travel toward the electrode, bombarding the paint particles along the way.

In the light of the above, if persons of ordinary skill in the art would have considered Gilbert's teachings at the time the invention was made, they would not have achieved the proposed system, since the physical -chemical performance of the solid matter is different

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from that of the gaseous effluents. In addition, it would not have been possible from Gilbert to consider an electronic bombardment to aid on the one hand, to the compound formation and a decrease in the gas temperature, and on the other hand, to help the increase in the molecular weight of such compounds and the precipitation thereof.

Finally, the Office Action provides no motivation or suggestion to modify the teachings of Gilbert as required by 35 U.S.C. § 103(a) and the M.P.E.P. §706.02(j)(D), beyond an assertion that it would have facilitated electrostatic treatment. Electronic bombardment would have had no bearing on electrostatic treatment, as discussed above.

Claim 11 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 12 through 14 depend from claim 11 and add additional distinguishing elements. Claims 12 through 14 are thus also submitted to be allowable. Withdrawal of the rejection of claims 12 through 14 is earnestly solicited.

Allowable Subject Matter:

The Applicant acknowledges with appreciation the indication that claims 1 through 10 and 15 through 53 contain allowable subject matter.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 53 are allowable over the cited references. Since the objections to the specification have been addressed and the claims have been amended to overcome the rejections based on 35 U.S.C. § 112, second paragraph, it is submitted that all of claims 1 through 53 are now allowable. Allowance of all claims 1 through 53 and of this entire application are therefore respectfully requested.

Respectfully submitted,

By



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Attachments: Abstract of the Disclosure.

Marked-up copy of the Abstract of the Disclosure.

Eight (8) sheets and sixteen (16) figures of Corrected Drawings.

Certified Copy of Priority Document.

Substitute Specification.